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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,049	04/08/2004	Dustin Kirkland	AUS920031008US1	9648
7590 Darcell Walker Suite 250 9301 Southwest Freeway Houston, TX 77074			EXAMINER ZUBAJLO, JENNIFER L	
			ART UNIT	PAPER NUMBER
			2609	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/08/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/821,049

Applicant(s)

KIRKLAND ET AL.

Examiner

Jennifer Zubajlo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/8/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4, 6-7, 11-14, and 19-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Beom-Seok Lee (Pub. No.: US 2003/0234799 A1).

For claims 1 and 11, Lee teaches:

A method and a computer program product in a readable medium for adjusting a screen display based on a user's distance from the display device (see Abstract, figures 1 and 2, and [0015]) comprising:

instructions for establishing and establishing a relationship between the distance of a user from a display screen and the size of the display on the screen (see Abstract, figures 1 and 2, and [0015]); instructions for detecting and detecting the movement of the user with respect to the display screen (see Abstract, figures 1 and 2, and [0015]); instructions for adjusting and adjusting the size of the screen display based on the location of the user with respect to the display screen (see [0038] and [0042]); and instructions for displaying and displaying the display in the adjusted display size (see figures 5 and 6, [0038] and [0042]).

For claims 2 and 12 (dependent on claim 1 and 11 respectively), note [0013], [0014], [0018], [0019], [0029], [0030], and [0036] which establish a threshold distance of the

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user from the display screen. This is not directly stated however as interpreted broadly it is just an example of the user-defined ratio described.

For claims 3 and 13 (dependent on claim 2 and 12 respectively), note [0013], [0014], [0018], [0019], [0029], [0030], and [0036] which determine whether detected movement of the user is beyond the established threshold distance before adjusting the size. This is not directly stated however as interpreted broadly it is just an example of the user-defined ratio described.

For claims 4 and 14 (dependent on claim 2 and 12 respectively), note [0013], [0014], [0018], [0019], [0029], [0030], and [0036] which establish a local user area within a defined distance from the display screen. This is not directly stated however as interpreted broadly it is just an example of the user-defined ratio described.

For claim 6 (dependent on claim 4), note [0013], [0014], [0018], [0019], [0029], [0030], and [0036] which define the threshold distance as the outer boundary of the local user area. This is not directly stated however as interpreted broadly it is just an example of the user-defined ratio described.

For claim 7 (dependent on claim 2), note [0013], [0014], [0018], [0019], [0029], [0030], and [0036] where the threshold distance comprises multiple threshold ranges. This is not directly stated however as interpreted broadly it is just an example of the user-defined ratio described.

For claim 19, Lee teaches:

A system for adjusting a screen display based on a user's distance from the display device comprising a display device (see abstract, figures 1 and 2, and [0015]); a

distance approximation device for determining the location of a user from said display device (see abstract, figures 1 and 2, and [0015]); software for determining the whether the determined distance of a user from the display device is beyond an established threshold distance (see [0030] and [0044]); and software for adjusting the size of the display on the display device based on the determined distance of the user from the display device (see [0030] and [0044]).

For claim 20 (dependent on claim 19), note that figure 1, [0029] and [0041] teach the distance approximation device as part of the display device.

For claim 21 (dependent on claim 19), note that as interpreted broadly figure 1, [0029], and [0041] teach the distance approximation device positioned immediately adjacent the display device. The location of the sensor is not taught directly but is simply an engineering choice of design as long as it is somewhere close to display device.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beom-Seok Lee (Pub. No.: US 2003/0234799 A1) as applied to claims 1-4, 11-14, and 19-20 above, and further in view of Michael Joseph Dunn (Patent No.: US 6,890,077 B2).

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Lee teaches the limitations of 1-4, 11-14 and 19-20 for the reasons above.

Lee doesn't teach determining whether display has multiple sections and when display does have multiple sections or identifying a selected section by user for adjustment.

Dunn teaches determining whether display has multiple sections and when display does have multiple sections, identifying a selected section by user for adjustment (see Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine determining whether display has multiple sections and when display does have multiple sections, identifying a selected section by user for adjustment taught by Dunn with adjusting a screen display based on a user's distance from the display device by establishing a relationship between the distance of a user from a display screen and the size of the display on the screen, detecting the movement of the user with respect to the display screen, adjusting the size of the screen display based on the location of the user with respect to the display screen, displaying the display in the adjusted display size, establishing a threshold distance of the user from the display screen, and establishing a local user area within a defined distance from the display screen taught by Lee, because it is useful if the user is only interested in viewing certain screen contents from a far distance.

5. Claims 8-10 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beom-Seok Lee (Pub. No.: US 2003/0234799 A1) as applied to

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claims 1-4 and 11-14 above, and further in view of Gregory T. Janky (Patent No: US 7,050,907 B1).

Lee teaches the limitations of 1-4 and 11-14 for the reasons above.

Lee doesn't teach determining whether said detected user movement is a valid movement, determining the amount of time a user is out of the local area, or establishing a minimum time the user has to be out of the local area to trigger a movement beyond the threshold distance.

Janky teaches determining whether said detected user movement is a valid movement, determining the amount of time a user is out of the local area, and establishing a minimum time the user has to be out of the local area to trigger a movement beyond the threshold distance (see column 7 lines 8-12 and column 13 lines 18-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine determining whether said detected user movement is a valid movement, determining the amount of time a user is out of the local area, and establishing a minimum time the user has to be out of the local area to trigger a movement beyond the threshold distance taught by Janky with adjusting a screen display based on a user's distance from the display device by establishing a relationship between the distance of a user from a display screen and the size of the display on the screen, detecting the movement of the user with respect to the display screen, adjusting the size of the screen display based on the location of the user with respect to the display screen, displaying the display in the adjusted display size, establishing a

threshold distance of the user from the display screen, and establishing a local user area within a defined distance from the display screen taught by Lee, because it is useful if the display adjustments are only made if a movement is valid so that the screen doesn't adjust for every movement made.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Zubajlo whose telephone number is (571) 272-2222. The examiner can normally be reached on Monday-Friday, 8 am - 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 270-1550. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
AMARE MENGISTU  
SUPERVISORY PATENT EXAMINER